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11 Attorneys for Defendant
12 BCBG MAX AZRIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JENNIFER BATHON on behalf of herself
and all others similarly situated,

Plaintiff,

vs.

BCBG MAX AZRIA,

Defendant.

Case No. C08-01647 JSW

STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER

Complaint Filed: June 5, 2007

Trial Date: None Set

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STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), Plaintiff Jennifer Bathon (“Plaintiff”) and Defendant BCBG Max Azria (“Defendant”) hereby stipulate and agree to the dismissal of Plaintiff’s individual claims against Defendant *with prejudice*, and with each party bearing its own costs and fees. Plaintiff’s putative class claims against Defendant are dismissed without prejudice to the rights of any of the members of the putative class, and with each party bearing its own costs and fees.

Dated: July 14, 2008

CALL, JENSEN & FERRELL
A Professional Corporation

By:s/SCOT D. WILSON
SCOT D. WILSON

Attorneys for Defendant BCBG Max Azria
E-mail: swilson@calljensen.com

Dated: July 14, 2008

DONOVAN SEARLES, LLC
FRANCIS & MAILMAN, P.C.

By:s/DAVID A. SEARLES
DAVID A. SEARLES

Attorneys for Plaintiff
E-mail: dsearles@donovansearles.com

ORDER

IT IS HEREBY ORDERED that Plaintiff Jennifer Bathon's ("Plaintiff") individual claims against Defendant BCBG Max Azria ("Defendant") be dismissed with prejudice, and with each party bearing its own costs and fees. Plaintiff's putative class claims against Defendant are dismissed without prejudice to the rights of any of the members of the putative class and each party shall bear its own costs and fees.

Dated: _____

HON. JEFFREY S. WHITE
U.S. DISTRICT COURT JUDGE

1 Scott J. Ferrell, State Bar No. 202091
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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN OF CALIFORNIA**

15 JENNIFER BATHON on behalf of herself
16 and all others similarly situated,

17 Plaintiff,

18 vs.

19 BCBG MAX AZRIA,

20 Defendant.

Case No. C08-01647 JSW

**CERTIFICATE OF SERVICE OF
STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER**

21 Complaint Filed: June 21, 2007

22 Trial Date: None Set

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 610 Newport Center Drive, Suite 700, Newport Beach, CA 92660.

On July 14, 2008, I served the foregoing documents described as:

STIPULATION OF DISMISSAL AND [PROPOSED] ORDER

on the following person(s) in the manner indicated:

SEE ATTACHED SERVICE LIST

☒ (BY ELECTRONIC SERVICE) I am causing the document(s) to be served on the Filing User(s) through the Court's Electronic Filing System.

☐ (BY MAIL) I am familiar with the practice of Call, Jensen & Ferrell for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On this date, a copy of said document was placed in a sealed envelope, with postage fully prepaid, addressed as set forth herein, and such envelope was placed for collection and mailing at Call, Jensen & Ferrell, Newport Beach, California, following ordinary business practices.

☐ (BY OVERNIGHT SERVICE) I am familiar with the practice of Call, Jensen & Ferrell for collection and processing of correspondence for delivery by overnight courier. Correspondence so collected and processed is deposited in a box or other facility regularly maintained by the overnight service provider the same day in the ordinary course of business. On this date, a copy of said document was placed in a sealed envelope designated by the overnight service provider with delivery fees paid or provided for, addressed as set forth herein, and such envelope was placed for delivery by the overnight service provider at Call, Jensen & Ferrell, Newport Beach, California, following ordinary business practices.

☐ (BY FACSIMILE TRANSMISSION) On this date, at the time indicated on the transmittal sheet, I transmitted from a facsimile transmission machine, which telephone number is (949) 717-3100, the document described above and a copy of this declaration to the person, and at the facsimile transmission telephone numbers, set forth herein. The above-described transmission was reported as complete and without error by a properly issued transmission report issued by the facsimile transmission machine upon which the said transmission was made immediately following the transmission.

☐ (BY E-MAIL) I transmitted the foregoing document(s) by e-mail to the addressee(s) at the e-mail address(s) indicated.

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2 [X] (FEDERAL) I declare that I am a member of the Bar and a registered Filing User
3 for this District of the United States District Court.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct, and that this Certificate is executed on July 14,
6 2008, at Newport Beach, California.

7 s/Scot D. Wilson
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**Attorney for Defendant BCBG
MAXAZRIA**